

Mieles, Janette

From: McChesney, Dennis
Sent: Thursday, December 18, 2014 7:45 AM
To: Taylor, Karen
Cc: Sawyer, William; Halley, Margaret
Subject: FW: PR's UST/LUST Regs - English version

Karen – I understand that you are setting your eagle eye to these again. Below are OUSTs comments FYI.

Dennis J. McChesney, Ph.D., MBA
Team Leader
UST Team
U.S. EPA Region 2
290 Broadway
New York, NY 10007-1866
Voice (212) 637- 4232
Fax (212) 637- 4211

From: Miller, Paul
Sent: Thursday, December 18, 2014 7:33 AM
To: McChesney, Dennis; Halley, Margaret
Cc: McDermott, Elizabeth; Gerber, Linda; Kwan, ChoYi; Smith, TimR
Subject: RE: PR's UST/LUST Regs - English version

Dennis/Margaret - Below are my comments from a quick review of Puerto Rico's draft rule. To thoroughly review it I would need more time than was provided for the review. Note that I focused my review on the prevention requirements, closure, and secondary containment. I did not review cleanup requirements, FR, operator training, or delivery prohibition. The comments in bold are important changes to make.

Thanks

Paul

Comments:

- Some of the table of contents seemed to be missing (I was missing Rule 801 – 841 in my TOC) and the page numbering was much different than the page numbering in my document.
- Rule 803, section A, subsection 2 – there appears to be some language missing. I believe it should read: “UST systems installed after the effective date...”
- **Rule 803, section B, subsection 7, the example on the second line is incorrect. It should read: “(for example, an aboveground tank with less than 10 percent of the total volume of the tank and underground piping underground).** We would regulate an aboveground tank if the combined underground volume of the tank and underground piping were 10 percent or greater.
- Rule 803, section B, subsection 11 – I believe “gatherer” should be “gathering”
- Rule 803, section B, subsection 12 – I believe “cavity or depression in the ground” should be “pit”
- Rule 805, section A, subsection 8 – ASTM is the American Society for Testing and Materials.
- Rule 805, section A, subsection 28 and subsection 72– The National Association of Corrosion Engineers is now known as NACE International. See their website at www.nace.org
- Rule 805, section A, subsection 9 – “UST system” should be “UST systems” in the first line.

- **Rule 805, section A, subsection 118 – significant non-compliance should not just be related to the requirements in the Energy Policy Act of 2005. It should be based on all requirements in Puerto Rico’s regulation. Using the EPAct requirements here significantly limits the significant non-compliance definition and needs to be removed.**
- Rule 805, section A, subsection 133 – “among others” in the second line should be “if any”
- **Rule 807, section B – As worded, Puerto Rico does not require secondary containment for new and replaced piping, causing the secondary requirement to not meet EPA’s grant guidelines. To fix this, Puerto Rico needs to change the language to match that in the tanks section. It should read “Also all new and replaced piping where installation began after the effective date of this regulation must have one of the following secondarily contained alternatives.” This change will require piping to be secondarily contained if new or replaced.**
- Rule 816, first two lines – grammatical – “release” should be “releases” on the first line and “UST System” should be “UST systems” on the second line
- Rule 817, section B, subsection 4 – “Parte III” should be “Part III”
- **Rule 829, section B, subsection 2, subsubsection b – missing language that requires suction piping to meet specific requirements mentioned earlier in order to not be required to perform release detection. I believe the last sentence should be worded “No release detection is required for suction piping that meets the requirements in section (1)(b) above for this Rule.**

From: Kwan, ChoYi
Sent: Tuesday, December 16, 2014 9:00 AM
To: Miller, Paul; Smith, TimR
Cc: McDermott, Elizabeth; Gerber, Linda
Subject: FW: PR's UST/LUST Regs - English version

Hi Paul and Tim,

Attached are Puerto Rico’s near-final regs. If I remember right, PR was like on the verge of passing these (but we wanted to take a final look first). Please review and send any comments you have directly to Dennis/R2 and cc: Margaret Halley/R2 and Liz (who will be the R2 RL when I am away). I’m guessing sometime in January would be OK.

Thanks,
 Cho Yi

From: McChesney, Dennis
Sent: Tuesday, December 16, 2014 8:51 AM
To: Kwan, ChoYi; Gerber, Linda
Subject: Fwd: PR's UST/LUST Regs - English version

Please review. Tx

Sent from my iPhone

Begin forwarded message:

From: "Halley, Margaret" <Halley.Margaret@epa.gov>
To: "McChesney, Dennis" <McChesney.Dennis@epa.gov>
Subject: PR's UST/LUST Regs - English version

Dennis,

The fonts in English were illegible, so I made it into Times New Roman.

Margaret Halley, Environmental Scientist
U. S. Environmental Protection Agency, Region 2
Underground Storage Tank (UST) Team, 20th Floor
290 Broadway
New York, NY 10007-1866
(212) 637-3092 (ph)
(212) 637-4211 (fax)